

THE  
L A W Unmasked:  
OR, A  
DIALOGUE in *English*,  
BETWEEN A  
L A W Y E R  
AND A  
Country Justice of the Peace.

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D U B L I N :

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# DIALOGUE

BETWEEN A

LAWYER and a plain Country Justice of the Peace, *Whether the Laws of the Country ought to be in the Language of that Country where they govern.*

JUSTICE.

**P**RAY, Mr. Lawyer, what is your Opinion concerning the several Debates you hear in the Coffee-Houses of the Laws being in *English*?

*Lawyer.* The most absurd Thing in the World; for then the People would understand them as well as the Lawyers, which, in my Opinion, is very unreasonable,  
for



for that would tend to the spoiling our Trade.

*Justice.* I should think so too, if the only Purpose of the Laws was to enrich you Lawyers, whereas I take them to have been originally instituted for the Security and Governance of the People; and how can they be so, when the People do not understand them?

*Lawyer.* God forbid they should. It is enough that we understand the Laws for them, and they may safely rely upon our telling them always with Integrity and Disinterestedness.

*Justice.* We know well enough how far we may trust to you. But pray let us speak Sense once in our Lives. Sure what is intended for the general Good, should be put into general Language; and be made so plain as to want none of your Explanations, be they never so honest. So, Master Lawyer, I will not in this Case be specially pleaded out of my Senses; I understand plain *English*, which is sufficient for a Justice of Peace, to read the Acts of Parliament relating to his Office; which Acts, for many Ages past, have, by our wise and prudent Ancestors, been put in *English*, being the Language of our Country, that the People might not only easily read them, but as easily understand them; which shews plainly the upright and just Sense of our Legislature.

There-



Therefore, Sir Lawyer, let me tell you what appears from History, that \* *Alfred* the Great, and first Founder of our Laws and Constitution, made them in the Language of the Country, that they might be understood by every one, Poor and Great, especially the Poor, who are more materially concerned to know it, for the Defence of their Properties : For Power will always enforce it self. Pray, was not the *Jewish*, *Greek*, and *Roman* Laws in the Language of the several Countries ? When Oratory and Chicanery came into their Courts of Justice, the Ruin of their Countries ensued. 'Tis true, that † *William* the Conqueror brought in the *Norman* Laws, which were not known to the *English*, and written in the harsh *Norman* Tongue ; which, as my Authors say, they understood not ; so that many Persons, partly by the Iniquity of the Law it self, partly by Ignorance in Misconstruction of it, and often also by the Slights of Pleaders and Judges, who might pretend ¶ *for Law what they list*, were wrongfully condemned in Forfeiture of Goods, Lands, yea and also of Life, and generally so entangled with unknown Interpretation, and tortured with Delays, Turmoils and Travverses, that they rather chose to give over  
their

\* *Speed, Rapin.*

† *Speed, Rapin.*

¶ *Speed, 424, the very Words of the Author.*

their Suits, to the Loss of their Property, than to follow them with endless Vexations: I think this is a sufficient Reason, Master Counsellor, as they call you, why the Laws, particularly the Proceedings thereof, ought to be not only shorten'd, but in the plain and known Language of the Country, as well for the Good as the better Understanding of the People, whom they generally concern and not you, that they may not be conjured out of their Lives, Liberties, and Properties, by a Language, or rather a Hotch-Potch Cant, and no Language at all, cooked up in obscure Terms, that no body may know any thing thereof but yourselves; is it not unjust, unreasonable, ridiculous, and absurd? That a poor Suitor should not know one Word, wherein both his Life and Property is concern'd, but must leave all to his Attorney or you, who care not three Farthings how the Case is, if, upon the Advantage you have of his Ignorance, you can get his Fees; and from my Historians it appears, that upon the Imposition of the Conqueror's Laws and Language upon the *English*, it occasion'd a Rebellion.

*Lawyer.* Now Master Justice, by your Leave, for altho' you can quote History, I find you do not understand the Law: Did you ever read *Coke*? Do you know any Thing upon *Calvin's Case*? If not, I will tell you: There he says, that if a Christian Prince

*Prince conquers a Christian Country*, the Laws of that Country remain until the Conqueror imposes new Laws ; but upon the Conquest of an Infidel Country, the Laws of the Conqueror immediately take Place ; so *William* the Conqueror, by Virtue of his Conquest, imposed both his Laws and the Language thereof ; and Fines and Recoveries are pass'd in the *Norman* Language to this Day, and well understood by us, though not by you. The Law goes upon Matter, and in a Language certain, and the Judges who know it, judge accordingly ; but you are Infidels to distrust both our Profession and Language, therefore ought not to have the Benefit of our Law. Our Knowledge is therefore sufficient for you to leave both your Life and Fortune to us ; besides the *Irish* do not speak good English, and their Pleadings if attempted to be wrote in *English*, may for that Reason be as erroneous.

*Justice.* Your Laws may be very good from *Calvin's* Case, for ought that I know, but notwithstanding that, I will be guided by my own Reason, for I have insisted that Laws were instituted, not to be *made a Profession of*, but for the Good, Ease, and Security of the People, and in the Language of the Country, that they might be generally known and understood, as our Acts of Parliament are to this Day, which are the highest and most publick Laws of our Constitution,

and controul all other Laws ; and is it reasonable ? that the Grand Court and Framers of our Laws should use one Language, and the inferior Courts another, which is no Language at all, but a mere Jargon, and Cant in myſterious Words coin'd by your ſelves for the Benefit of your Trade, and to keep the poor Suitor from the Knowledge of his Cauſe, who (as by *Horn's Mirror of Juſtice*) is by Right his own Pleader, as he is the Suitor for Juſtice, and by the Statutes of 33 *Hen. 8 Cap. 2.* every Perſon Plaintiff or Demandant, Tenant or Defendant, may proceed and plead in his own Cauſe, but by your Laws being kept up in a Language unknown, renders ineffectual, not only the Subjects original Right by Law, but perverts the very intention and expreſs Words of that Act of Parliament, which is made perpetual in this Kingdom by the Statute of 11 *Eliz. Cap. 5.* ſo that by our Conſtitution, the Law was not inſtituted for a Trade to be made of it, as it now is, but for the good Security and Relief of the Subject wherein every Perſon was his own Pleader, and apply'd to the King in Perſon, who ſat in Juſtice in the Hall of his Court, which was called the King's Bench, and his Judges ſat below him to do Juſtice to the Subject in general ; and by our old Acts of Parliament it appears that the Juſtices of this Bench, and the Chancellor, were always to attend the  
King,



King, and follow his Court, not only for the Doing, but the Dispatch of Justice, and that there might be no Delay therein; and the King wills, that the Execution thereof be not stay'd either by any Letter from him, or by other Means. Thus you see the Purity of our antient and happy Constitution; but perhaps that Part of it, is too antient and too good, for you modern Lawyers to look into: But as to what you mention of *Fines and Recoveries* passing in Law in *French* or the *Norman* Language, it makes me tremble when I think on it; to see Estates pass'd away by the Grand Assurance, as you Lawyers call it, in a Language unknown, and muttered out by two or three Persons of the Gown, as if they were conjuring; and so it is Conjuraton to the very Person in whom the Property is. Very pretty indeed! To hear an *English* Estate talk *French* in the *Common Pleas*; and as to the Unreasonableness of it, let me Master Council propose a Case to you, *viz.*

Supposing a poor plain Country *English* or *Irish* Gentleman, like your Humble Servant, that knows no Language but his Mother Tongue, should by some *powerful or artful Villain* be disseiz'd of his Estate, and by the Consequence of losing his Estate by such a *Tortious Entry*, has not Money or Credit to see a Gentleman of your Profession immediately for the Recovery of his Estate and

Possession ; but the Disseisor having, by Means aforesaid, that Ability, levies a *Fine*, and suffers a *Recovery* by the Assistance of a *French* Incantation by two or three of your Profession, whilst even the poor wrong'd Gentleman perhaps is walking, and within hearing, in the *Four Courts* of this extraordinary muttering, in a Language unknown to him, Therefore, altho' his Ruin and that of his Family is passing, he remains, by Reason aforesaid, in Ignorance, and makes no Claim within five Years ; that then, both he and his Posterity, are for ever in a Language unknown conjured out of their Estates ; and as to what you say upon the Law and Judgment going upon Matter certain : I can't help smiling at the ridiculous Quibbles and Nicety of it, for as before, I observed that your Law-Language is no Language at all, and nothing certain in it ; so it must, notwithstanding the many coin'd and cant Words that you have, be every now and then aided with an *Anglice* ; and perhaps then, that will not do : Let one Instance serve for Ten Thousand that I could offer, which was the late famous Case of the *Shit-House*. A Person erects a House of that Kind to the great Annoyance and Nuisance of the Neighbourhood, particularly Mr. *Mc M——*'s, who brought some Sort of Action in order to amove this Nuisance, but whether he described it by *Domum Officii* ; or, according

ing to your Technical Way by *Housum Officium* is not well reported to me ; but certain it is, he aided it by Way of Explanation and for certainty to the Court with an *Anglice, a House of Office*, which was done out of mere Modesty, that the Court should not be offended with so dirty an Expression (saving your Modesty) *as a Shit House*, and altho' it plainly appeared from the Evidence that this House of Office was a Shit House, yet *House of Office*, as in the Declaration, was an uncertain House ; so the Court could not judge of it, for Judgment, as you observed, must go upon the Words and Matter certain, and not upon the Facts in Evidence, so that it is not the Cause that is tryed of the Party ; but which of you are the best Quibblers in Words. As this was the poor Suitor's Case of the *Shit House*, so he got nothing certain for much Money spent, but a Company of returned Briefs of no Use to him, unless for the wiping his own *B—h*. I heard myself, to my great Surprize, a Cause of an honest Clergyman tryed concerning an Oppression in his *Common-Right*, and in his Declaration he shewed his Right of Common for such a Number of Sheep, &c. from such a Time to such a Time ; but when he brought his Evidence in Proof, they proved that he had a Right for more Sheep, and for a longer Time than in his modest Declaration laid, and for that Reason

Reason was Non-suited, as you call it, for having a better Right than he claimed in his Declaration ; can any Thing be so absurd in a reasonable Country ? *that a greater Right should not make good a Lesser*, but these are your Quibbles in the Law, which I thought would have made the poor Parson to have run mad for being so bamboozled, though before he seemed a very reasonable Man ; so if a Man owes me twenty Pounds by three Notes, and I sue him for my twenty Pounds ; and upon producing my Evidence of the Debt I shew three Notes, which make just twenty Pounds, being my Demand, yet I can't have Judgment for my twenty Pounds, which I have fully proved, because it is upon three Notes which would make three several Suits, and ought not for that Reason be determin'd by one ; so much you Gentlemen impose upon the Ignorance of the People by your Gibberish and Quirks.

*Lawyer.* I find Mr. Justice, altho' I admit your Observations in Law to be true, that you are an Enemy to the Beauties and true Reasons of the Niceness of our special Pleadings ; so I recommend to you that you may be convinced of your Error, that you will read *Plowden* through, from the Cases of *Fagossa*, and *Stiles* and *Stradling*.

*Justice.* What do you tell me of your *Plowdens* for, or your Cases of *Stiles* and *Stradling* ; I have read that Case in the ingenious



genious Dean *Swift's* Works, which I suppose he hath justly translated from the *Law, French*; being good Law as the Law stands, and being there in plain *English*, not only shews the Nonsense of the Case, but of the special Pleadings, as to the Law itself it is pure and upright, derives from the Law of God and Reason, and ought not to be disguised by your Quirks and Gibberish, but to be as plain to the View of every one *as the Fire that burns.*

*Lawyer.* Well said Master Justice, that is plain indeed ! For you are deceiv'd ! *The Fire does not burn* ; and to shew your further Ignorance, I must tell you that before Logick and Philosophy were translated into *English*, it was demonstratively otherwise, for all Translations spoil the Sense of the Originals they are translated from, so the Beauties of Logick and Philosophy were destroy'd when they were translated into *English* ; and you would spoil our Law-Language by having it turned into *English*, for *it will not bear Translation without being downright Nonsense.*

*Justice.* What is all this Stuff you talk of, you never shall convince me by your *Logick or Philosophy*, that the Fire does not burn, that's Good indeed ! Shan't I believe my own Eyes ? Pray, Sir, lend me your Finger, and I will put it in the Fire to convince your Senses of its burning Quality ;  
but

but then, Sir, is Law in your Language Logick and Philosophy? If so, we have a fine Time on't, to have our Causes chopt a Pieces by you *Logicians*.

But, since that is the Case, I hope the Eyes of Mankind will be so opened, as to strip it of all the Disguises you have thrown upon it by your Gibberish and Pleadings, and let the true and pure Law shew itself, in this short Manner in the *English* Tongue. That *John* of *Nokes* sues *William Stiles* for *twenty Pounds* he is indebted to him, and let *William Stiles* appear and plead the General Issue, viz. that he does or does not owe it him; and produce their Evidence of the Fact to *twelve honest Men*, who will soon determine whether any Thing is due or not, and the Court as easily give Judgment, for it is plain that *twenty Pounds* is either owing or not owing, which will appear as plain from the Evidence to the Jury and Judge, and this is a Determination according to *Magna Charta*, and our antient Constitution, before your Pleadings and Quibbles came in Fashion to try *Words*, and who was the best Juggler, and not the Cause.

*Lawyer*. Be that as it will now, both the Cant and Quibbles, as you call them, upon the Pleadings you so much inveigh against, are by *Usage* and *Practice* of the Courts become the *Law* itself, and can't for that Reason

son be altered, and the Pleadings being fix'd, and *in a dead Language*, ought to remain as they are without any alteration.

*Justice.* There Master Lawyer you are mistaken, for what can't an Act of Parliament do? And it is consistent with the Justice of Parliament, where *Absurdities, Grievances, and Delays in Justice* appear as they grossly do in this Debate, to relieve against such Grievances, for every Man that is not an Enemy to his Country, ought to consider the publick Weal, before any private Profession, particularly where the same appears to be grounded upon the Ruin of the Subject, for as the Law stands, he that seeks for Justice pursues his own Ruin: For if after a thousand Suits, Nonsuits, &c. he recovers or maintains the Title of his Estate, it is it is gone from him; you Lawyers have eat it up, and perhaps buy it from him with the Fees obtain'd in the Cause, by his establishing a Title for you, to the ruin of himself and Family; surely that is monstrously absurd in a reasonable Country, and high Time to be amended; that the Laws of the Land be in the Language of the Country, and all the quibbling Pleadings abolished; and your dead Language as you call it buried; that the real Point in Question may be tried, as I observed before; and not which of your Profession is the best Jugler or Quibler in Words or Forms quite in material and foreign  
to

to the real *Cause*; and for further Reasons thereof, you must give me Leave without being angry, to tell you a Story or two, that fell within my Knowledge, for altho' as you see I am a plain Country Gentleman, and have pleaded Ignorance in your Profession, and Law Language, yet Curiosity hath lead me into the reading of your Books of Law and Pleadings, and by now and then stepping into the *Four Courts*, have got a tolerable Knowledge of your Cant, which I can't help exposing from the absurdity of it.

There was a plain honest Countryman that had a Cause he was expecting to come on in Court, and was there waiting in hopes to hear it, when I accidentally came into the Court, and the Countryman knowing me as a Justice of Peace, and of consequence might have some Notion of my understanding, desired I would stay till his Cause should be called, which he was sure cou'd not be long before, because there had been a Tryal on for above four Hours of Mr. *Cestuique Use*, and Mr. *Cestuique Trust*, which he hoped would not last long, but upon my stepping up, I found the Man's Cause had been on all that Time, and so told him; whereupon the Man seemed very much surprized, and said it was very odd, that his Cause shou'd be on, all that Time, and he not know one Word of the Matter, when his very Property was at Stake, for he apprehended it to be the Cause of Mr.

*Cestuique*



*Castusque Use*, and Mr. *Cestuique Trusi* which he heard so much mention of and not his: The other was in another Court, where Curiosity led me in a Cause upon Writs of Entry in *in le per Cui*, and *le post*, when seeing a Man gaping more than the rest, and extraordinary attentive; I asked him the Reason of it, and he readily answered that he believed his Cause was trying, for he heard his Name once mentioned, but that they had been by the *Post* so long, that he was afraid his Cause was tyed to the *Post*. I told him, I shou'd be glad it was arrived to the *Winning-Post*, but as it appear'd to me it was at the *Distance-Post*, and as I found after it was *post-pon'd* and I never heard more of it till it was upon a *Post* to be sold for the Expences of the Suit: Another was the Case of a poor Carpenter, to whom a Person that he had work'd for was indebted Eight Pounds, and as often is the Case, by neglecting to pay the poor Man, he was obliged to bring his Action, and therein called his Profession by the coined Word *Carpentarius* with an *Anglice* a Carpenter; but it being by the Defendant's Council moved that *Carpentarius* was neither *Latin* nor *Law Latin*; this strong Observation put the poor Carpenter's Council to a seeming *Nonplus*, and as being a Matter of that Consequence, this Word *Carpentarius*, they desired a further Day to argue that Point, being then unprepared, the

Court out of its usual Indulgence grants a further Day ; the poor Carpenter had thereupon his learned Council to Fee, as if nothing had been done ; then comes on this important Day ; and there it was insisted for him, that if *Carpentarius* was not *Law Latin* ; yet it was aided, and made plain to the Court by the *Anglice* Carpenter : This as much stagger'd the Defendant's Council, being unprepared to answer then that important *Anglice* Carpenter, desired their Day, which being granted, and by the Addition of refreshing Fees, the grand Debate came on again, and the Defendant's Council brought in, that *Faber Lignarius* was the proper *Law Latin* Word, and wou'd have been well aided with the *Anglice* Carpenter for the Knowledge and Judgment of the Court ; but that the *Anglice* did not explain *Carpentarius*, and that the Court cou'd not judge upon Uncertainties : Thusthe poor Carpenter. or wooden Workman was, *de die in Diem* in a very unreasonable Manner according to your Law (as you wou'd have it stand) argued out of this Eight Pound, and for ought that I know (altho' both the Words *Carpentarius* and *Faber Lignarius* are in your Law Dictionary) that the Point yet remains unsettled, which is the proper Word : Was there ever such strong Cases as these? why the Law shou'd be in the Language of the Country, and the Forms as plain and pure as the real Law itself ; that Justice may appear

appear in its proper Light to the meanest Capacity, and not to be disguised by Artifice to the Delay and Ridicule of Justice, and ruin of the Subject. Pray therefore Mr. Council let me ask you one Question, how you wou'd according to your Gibberish and Forms as they now stand, bring your Action against me for taking your Brogues supposing you had a Pair ; but indeed you are too Lofty to wear Brogues ; it is your poor Clients, after this Way, that must wear the Brogues.

*Lawyer.* Why, Sir, I will say *Cep & asport, Brogas meas, Anglice*, a pair of Brogues.

*Justice.* But why it you lay your Action to don't you place your Words at length ? For who can understand what you mean by *Cep & asport* ; tho' I suppose you mean *Cepit & Asportavit*.

*Lawyer.* It is very true I mean so ; but if we know the Beginning of Words, it is sufficient for us in a Declaration ; for a *Dash* makes right all *Abbreviations*, and the Court which always understands our Latin, understands sufficiently well the Ending of the Words, to form their Judgment from, and these Dashes, and Abbreviations save a vast deal of Expence to the Suitor.

*Justice.* Yet in my Opinion there wou'd be Error in this Declaration of yours, notwithstanding you have made me comprehend the Words *Cep & Asport*, and the Reason of  
your

*your Dashes* ; but I have look'd over your Register and *Fitz Herbert*, and *English* Dictionaries, and I find no such *Latin* Law, Word as *Brogas*, nor such an *English* Word as *Brogues* ; so that *Brogas* can't be aided by the *Anglice Brogues*, because there is no such Word as *Brogues* in *English* ; therefore I insist that is an Error, for *Brogues* is an *Irish* Word only : Is not this down right Nonsense, that a Man shou'd not recover his *Brogues* in a Country where the Expression, and the Thing is well known ; and must a Court be presumed to be ignorant of what is the daily Language of the Country, which brings to my Mind the extraordinary Case of *Mulcarry in Croke, Gaarles*, p. 511. upon Error on a Judgment upon Ejectment in *Ireland*, for an hundred Acres of Bogg, and an Exception being took to the Declaration, that one hundred Acres of Bogg was not good, for there was not any such Word in the Law ; but the Court having the Modesty to be ashamed of that Quibble, held that Bogg, was as well known in *Ireland* then, as *Brogues* are now, being a Country famous for both ; so that an *Irish* Word of a Thing well known, will not upon the Pleadings being in *English*, make the Errors either here or elsewhere, as you are pleased to suggest in the Beginning of your Argument.

*Lawyer*. I am now convinced, Mr. Justice that you know too much of our Trade,  
so



so shall avoid further Argument upon that Subject; but must only observe this, that no body can know the Cant Words of the Strolers and Gypsies, but those that have been concerned with them; so I find from what you have said, that you have been concerned with the Law and us so much, that you know too well the Mysteries and Cant of our Profession.

*Justice.* Sir, your Profession is, or ought to be, in Matters of Justice; but that of the Strolers and Gypsies you mention, is apparently in picking of Pockets, and stripping of Hedges, and many good Acts of Parliament have been made for their Suppression and their Gibberish, is a Cant framed for the Benefit of their Trade, and to deceive by: And, I think, a much stronger Reason may guide our Legislature, and I hope to God it will, not only to the Suppression of your Law Gibberish, but the very Nuisance it self; for as it is managed, it is the greatest and growing Destruction of our Nation, *sic Crescit in Orbe dolus*; and can we, with our Eyes open, and to our Ruin, and that of our Posterity, see this monstrous Evil in such horrible Manner, that he is happy that can be contented to be cheated and robb'd of his Estate, and not seek Redress from the Law, when from the very Pursuit of Right, a certain Ruin ensues; for it is now grown almost impossible to have a Suit ended, but  
with

with the Estate, for it must plead to the last Acre, in a Language unknown to our Land, or the Owners thereof, to the grossest Abuse of Justice, which in it self is plain. *Right and Wrong are easily* distinguish'd in plain Terms, he that hath no Right can have no Wrong; our original Laws are built upon those of God and natural Reason; which, were they not perverted, but drest in the Language of our Country, the Purity thereof would appear to the meanest Capacity; but you Jugglers, like the Priesthood of old, keep Justice and Truth in Obscurity: Before the Gospel was translated into our National Tongue, Priestcraft rode as triumphantly as your Law Craft does now; but when from the Translation, the Light of the Gospel appear'd, it open'd the Eyes, and awaken'd the Reason of the Readers, destroyed the Infallibility of the Priesthood, brought on the Reformation and our establish'd Religion; which may God of his great Mercy for ever preserve in our Native Language, that we may know what we pray to, and what we pray for, and that the Laws of our Land, as they arise from the Laws of God, may be in the same Language.

Therefore, Master Counsellor, what would you think, if you should hear a Person in a Clergyman's Gown, of this establish'd Religion, argue, that Translations  
make

make Nonsense of what is good Sense in the Original; or that Religion from the Bible is Nonsense by being translated; would not you think that Man had the Pope in his Belly, and would restore the Doctrine of Infallibility? Tho' I do own, what is Nonsense in an Original Language, can't be very good Sense by being translated.

*Lawyer.* As to that Question, I can't so readily give my Opinion, which in no Case we ever give without a Fee; but must tell you, as to the Bible, it is of no Use to our Profession by being translated; for the only Use we make of it, is to swear by, to qualify us to plead, and for our Clients to give Evidence; and in those Cases we never look into it: But, Sir, altho' you say our Law originally arises from the Law of God, and from several Acts of Parliament, which are in the Language of the Country, for the easier understanding thereof; so ought the Proceedings of the Law to be; but we must oppose our Forms of Law being put into *English*; and I can assure you, that all my Brothers of the Barr and Bench will be of that Opinion, as 'tis a high Indignity and Prejudice to our Profession; for we may as well lay by our Gowns, as to have our Pleadings in *English*; at least it will make them so thin, that you may see all the ridiculous Nonsense thro' them, and expose our Craft

Craft as much as the Translation of the Gospel did that of the Priesthood.

*Justice.* I am very glad you have made this Explanation, and can assure you, that I had much rather that you wanted a Gown, than I or my Countrymen should want a Coat; and must conceive therefore, that every one that is not of the same Opinion, is either an Enemy to his Country, or infatuated.



**F I N I S .**





